

Appendix J – Model Ordinances

Appendix J – Draft & Model Ordinances

MIXED USE OVERLAY DISTRICT

Statement of Purpose

The Mixed Use Overlay District is intended to promote the development of a pedestrian oriented, mixed-use district in which a variety of complementary retail, commercial, office, civic, and residential uses are permitted.

The Mixed Use Overlay District is further intended to:

- A. Encourage innovative, traditional mixed-use, compact village type development.
- B. Reduce sprawl and segregation of land use and encourage more efficient use of land and public services by promoting a compact settlement pattern and mixed use.
- C. Discourage the development of businesses that contribute to traffic congestion and/or disrupt the pedestrian environment, such as drive-in and drive-through businesses, automobile service stations, and new and used vehicles sales or service establishments.
- D. Encourage shared parking facilities, rather than separate off-street parking facilities for each individual use, and.
- E. Promote the creation of community gathering places which are oriented to pedestrians, thereby promoting citizen security and social interaction.
- F. Reinforce physical, visual, and spatial features in keeping with a New England village through the consistent use of design and dimensional criteria. Such design criteria shall harmoniously relate the design features of structures and developments to each other, resulting in a coherent overall pattern of development.
- G. Discourage businesses that create objectionable noise, odors, or glare.

Applicability of Overlay Zoning Concept

The Mixed Use Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In this case, the underlying zoning districts C-Village (entire), RA-Residential-Agricultural (portions), B-Commercial and A-Commercial (portions).

In an area where an overlay zone is established, the property is placed simultaneously in the two zones, and the property may be developed only under the applicable conditions and requirements of both zones. It is intended that existing uses maintain conformity with underlying zoning standards. Any expansion or renovation of existing uses must comply with underlying zoning standards. Any redevelopment or new development shall conform to the Mixed Use Overlay District standards. In the event there is a conflict between the requirements of the two zones, the requirements of the Mixed Use Overlay District shall govern.

Creation of Mixed Use Overlay District Boundaries

The Mixed Use Overlay District boundaries shall be as established on the Official Zoning Map. Mixed Use Overlay Districts may be established or amended according to the Zoning Ordinance procedures set forth in NH RSA 675:2.

Principal Uses and Structures

- A. Principal Uses and Structures

In all areas zoned Mixed Use Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Multiple-family housing, which may be in the form of townhouses, and/or apartments, or similar configuration.

Business and office uses may occupy a building used for residential purposes, provided that:

a. No business or office use shall be located on the same floor that is used for residential purposes.

b. No floor may be used in whole or in part for business or office use on a floor located above a floor used for residential purposes.

c. Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.

d. Minimum open space: thirty percent (30%) of net parcel area, at least fifty percent (50%) of which shall be usable green area.

2. Bed and breakfast establishments, containing ten (10) or fewer units.

3. Trade schools and colleges.

4. Business establishments that perform services on the premises, such as, but not limited to: banks and other financial institutions, insurance offices, real estate offices, and travel agencies.

5. Churches and other places of worship.

6. Clubs, fraternal organizations, and lodge halls.

7. Dry cleaning establishments (not to exceed 4,000 sq.ft.), dealing directly with the consumer, but not including drive-through facilities. Dry cleaning plants serving more than the establishment on site shall be prohibited.

8. Financial institutions

9. Funeral and interment services

10. Generally recognized retail businesses that supply commodities on the premises and occupy 10,000 sq.ft. or less of building area, such as, but not limited to: stores selling groceries, meats, fruits and produce, dairy products, baked goods, and other specialty food products, drugs, dry goods, flowers, clothing, notions, furniture, and hardware.

11. Hotels

12. Medical laboratories

13. Medical offices, occupying 10,000 sq.ft. or less of building area.

14. Housing for the elderly.

15. Indoor commercial recreational facilities, such as health clubs, hardball and racquetball facilities, pool and billiard establishments, tennis, archery and similar facilities.

16. Newspaper offices.

17. Nursing and convalescent homes.

18. Offices of an executive, administrative, or professional nature, occupying 10,000 sq.ft. or less of building area.

19. Outdoor theater, plazas, parks, and public gathering places.

20. Personal service shops, occupying 4,000 sq.ft. or less of building area, including, but not limited to: repair shops (such as watch, radio, television, shoe repair, and home appliance), tailor and dressmaking shops, beauty and barber shops, and photographic studios.
21. Public and quasi-public uses such as municipal offices, court houses, public off-street parking, libraries, museums, and public safety facilities.
22. Research and development businesses, occupying 10,000 sq.ft. or less of building area.
23. Retail sales in which both a workshop and retail outlet or showroom are required, such as, but not limited to establishments for plumbers, electricians, interior decorators, upholsterers, printers, and photographers, subject to the following provisions:
 - a. Not more than eighty percent (80%) of the total useable floor area shall be used for service, repair or processing functions, and
 - b. Retail or showroom functions shall be located in the portion of the building where the customer entrance is located.
24. Residential care facilities
25. Standard restaurants (except drive-ins and drive-throughs), taverns and bars, where the patrons are served while seated within the building occupied by the establishment.
26. Take-out food and beverage sales when accessory to a full-service restaurant, provided that the area occupied by the take-out service shall not exceed twenty five percent (20%) of the building area of the principal use.
27. Theaters, assembly halls, community centers, or similar places of assembly.
28. Outdoor cafes, outdoor eating areas.
29. Adult Foster Family Homes, Family Child Day Care Homes, Child Foster Family Group Homes, any of which shall have a capacity of no more than 6.
30. Uses and structures accessory to the above.

B. Conditional Uses

The following uses may be permitted by the Planning Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Board; any special conditions imposed by the Board that are necessary to fulfill the purposes of this Ordinance.

1. New single family detached dwelling units. (Conditional use approval shall not be required for expansion or renovation of a single family dwelling in existence at the time of adoption of this Article, provided that such expansion or renovation is in compliance with the adopted Building Code.)
2. Veterinary office or clinics providing medical, surgical, and grooming services for small animals.
3. Wireless communication facilities on monopoles.
4. Adult Foster Care Large Group Homes and Adult Foster Care Congregate Facilities.

C. Uses Not Permitted

1. Uses having outside storage shall be prohibited.

Development Standards

Buildings and uses in the Mixed Use Overlay District, except for single family detached dwellings, shall comply with the following requirements.

A. Building Entrances

The main public entrance of the structure shall face Whittier Highway. If the site is on a corner, it may have its main entrance oriented to either street. In no case shall the main public entrance open directly onto a parking lot. No overhead doors are permitted facing a street.

B. Façade Design

All building facades that face a street shall conform to the following design criteria:

1. Windows. All building facades visible from the street shall have windows with transparent, non-reflective glass, with the following requirements:

- a. First floor: minimum 30% of facade, 70% maximum.
- b. Second floor and above: minimum 20% of facade, 60% maximum.
- c. Butt-joint glazing is prohibited. A butt-joint is a joint formed by two pieces of glass united end to end without overlapping.
- d. Windows on the first floor shall be a minimum of two (2) feet above the finished floor level.

2. Exterior Building Materials. Traditional building materials, such as masonry, stone, brick, or wood, shall be used as the predominant exterior building materials for all new construction, renovations, and additions. Plain concrete block, plain concrete, corrugated metal, plywood, and vinyl siding and sheet pressboard may only be used as secondary exterior finish materials, provided they cover no more than ten percent (10%) of the surface area. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend more than two (2) feet above grade. Cement-based finishes, cement plaster, and Exterior Insulation Finish System (E.I.F.S.) are permitted only if used a minimum of ten (10) feet above grade, where they will be less susceptible to damage. The selection of exterior building materials shall contribute to the traditional design and character of the building.

3. Architectural Guidelines. Traditional architecture is favored in the Mixed Use Overlay District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.

C. Side or Rear Façade Design

Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade.
2. Dumpster and service areas shall be completely screened with a landscape hedge, a fence, a wall, or a combination thereof.
3. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs, and trees, provided that sufficient light penetrates into the space.

D. Awnings

Awnings shall be permitted on buildings as follows:

1. All awnings must be made from canvass fabric or similar water-proof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.
2. All awnings shall be attached directly to the building, rather than supported by columns or poles.

E. Lighting

Exterior lighting shall comply with the requirements in the Moultonborough Zoning Ordinance. Lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, unshielded wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited. Traditional-style lighting fixtures may be used if such fixtures are similar in appearance to existing traditional-style fixtures in the village.

Sidewalks and parking areas shall be properly lit to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five (5) feet above the surface. The maximum average light intensity shall be ten (10) footcandles.

F. Parking

Parking and parking lot design shall comply with the following standards, in addition to the provisions of the Moultonborough Site Plan Review Regulations.

1. No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning Board determines that parking in front of the building would be acceptable for either of the following reasons:
 - a. Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site, or
 - b. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

Unless the Planning Board determines that parking in front is permissible, new or expanded parking lots on the interior of the lots shall be located to the rear or side of the buildings, accessed by means of common driveways, preferably from side streets or lanes. Parking lots shall be small in scale where possible, and connected with parking lots on adjacent properties. Cross-access easements for adjacent lots with connected parking lots shall be required. Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities.

2. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of the Moultonborough Site Plan Review Regulations.
3. The parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, shall be distinguished by textured paving and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and are strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.
4. Surface parking lots shall be screened from the street with a continuous row of deciduous trees along the street, or a wrought iron fence with a hedge between the fence and the street.

G. Front Building Setback and Landscaping

The minimum front setback shall be five (5) feet and the maximum front setback shall be fifteen (15) feet. Structures shall be provided with landscaping along their foundations. The landscaped area must be at least three (3) feet in depth and

must be planted with at least one shrub per three (3) lineal feet of foundation. For each one hundred (100) square feet of hard-surfaced area between the building and the street lot line as least one of the following amenities must be provided: a bench or other seating, a tree, or a landscape planter.

H. Service Access

A service alley or designated loading space shall be reserved at the rear of the building.

I. Signs

One (1) wall sign shall be permitted per face of a building or storefront, plus each business shall be permitted one (1) pedestrian-oriented blade sign (maximum of three (3) square feet in area) that projects over the sidewalk. One (1) wall or projecting sign is permitted, provided it does not exceed one and one-half (1½) square feet per lineal foot of building frontage, with a maximum of forty-eight (48) square feet. Roof signs, plastic panel signs, box signs, pole signs, portable signs, fluorescent-colored signs, and billboards are not permitted. Outline tubing signs (neon signs) shall be permitted as interior, non-flashing window signs only.

J. Sidewalks and Sidewalk Displays

1. A four (4) ft. minimum width sidewalk shall be required along the front of every parcel for all development that requires site plan review. The sidewalk shall be located in the road right-of-way, abutting the right-of-way line.
2. Sidewalk displays shall be permitted directly in front of an establishment, provided at least five (5) feet of clearance is maintained along pedestrian circulation routes.
 - a. Display cases shall be located against the building wall and shall not be more than two (2) feet deep. Display cases shall not exceed more than two (2) feet into the sidewalk. The display area shall not exceed fifty (50%) percent of the length of the store front.
 - b. Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.
 - c. Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

K. Courtyards and Plazas

Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three sides by buildings, walls, elements of landscaping, and elements of street furniture, in order to create a strong sense of enclosure.

L. Mechanical Equipment

All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.

Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

M. Security Gates

Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or, if installed on the outside, if the coil box

is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models that provide a sense of transparency, in light colors, are encouraged. Other types of security devices fastened to the exterior walls are prohibited.

Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Mixed Use Overlay District are subject to the area, height, bulk, and placement requirements in Article X, Schedule of Regulations.

The following chart summarizes the regulations in Article X, but the user is cautioned to refer to Article X for more detailed information and explanatory notes.

Minimum Lot Area

None specified

Minimum Lot Width

None specified

Maximum Height

3 stories, 40 feet for corner lots only

2-1/2 stories, 32 feet

Setbacks

Front

Minimum: five (5) feet/

Maximum: fifteen (15) feet

Side

See footnote (a)

Rear

20 ft. - See footnote (b)

(a) The side yard setback shall be zero (0) except under the following circumstances:

(i) Where a larger setback is required by the Building Code.

(ii) On interior side yards, the minimum side setback shall be fifteen (15) feet if structures facing the interior side lot line contain windows or other openings. (An interior side yard abuts the side or rear lot line of another parcel. An exterior side yard abuts a street or alley.)

(iii) A landscape buffer having a minimum width of ten (10) feet shall be provided adjacent to a residential district, and no structures, off-street parking, or loading shall be located within the buffer. The landscaping within the buffer shall comply with the standards for screening in the Moultonborough Site Plan Review Regulations.

(b) A landscape buffer having a minimum width of ten (10) feet shall be provided adjacent to a residential district, and no structures, off-street parking, or loading shall be located within the buffer. The landscaping within the buffer shall comply with the standards for screening in the Moultonborough Site Plan Review Regulations.

Site Plan Review

Site plan review and approval is required for all uses in accordance with the Moultonborough Site Plan Review Regulations.

DRAFT VILLAGE PLAN ALTERNATIVE SUBDIVISION OVERLAY DISTRICT**I. PURPOSES**

- A. To create an expanded village area that provides a mix of uses, including residential, commercial, civic, and recreational uses in close proximity to one another.
- B. To permit the compact, efficient layout and lower maintenance costs of roads, utilities, and other public and private infrastructures, and the reduction of traffic congestion and air pollution for any potential expansion of the village area.
- C. To encourage the preservation of open space and environmental resources wherever possible.
- D. To provide a mix of housing styles, types and sizes, to accommodate households of all ages, sizes, and incomes.

II. APPLICABILITY

A. **Applicability.** The standards in this section are applicable within the areas zoned for the Village Plan Alternative Subdivision and are defined as those areas whose location and boundaries have been selected to be consistent with policies in the master plan, including the Village Vision section, encouraging compact mixed-use development in areas where village expansion would be appropriate for the reasons detailed in that plan.

1. **Size and Location.** The Village Plan Alternative subdivision ordinance (VPA) is designed to apply to new development of ten acres or more including:

- a. Areas contiguous to the village area as identified on the Village Boundary Map in **Appendix E**.
- b. Areas contiguous to existing cluster subdivisions with the intent of connecting contiguous conservation lands, greenways, or unfragmented forest areas.
- c. Other appropriate locations for development consistent with the town's master plan for future land use.

2. **Health, safety and welfare factors and consistency with the master plan.** The planning board shall determine whether the development is appropriate for the area by considering the following additional factors:

- a. Pre-existing development near the proposed site.
- b. Environmental resources that may be detrimentally impacted by the development.
- c. Consistency of the development with the master plan and the Village Vision Report.
- d. Any other relevant factors to protect the health, safety, and welfare of town residents. Emergency access, fire prevention, and setbacks for wells, septic, or wetlands requirements imposed by DES shall apply, as shall local health and safety restrictions.

B. **Conditional Use Permit.** This ordinance is adopted pursuant to 674:21, allowing the administration of the ordinance by Conditional Use Permit. Compliance with the individual provisions of this ordinance shall constitute the conditions required for the issuance of a Conditional Use Permit. Any provision of this ordinance may be waived, when, upon application by the applicant to the planning board, the board shall determine in its sole discretion 1) that requiring compliance with the particular provision for the granting of a Conditional Use Permit would create an unreasonable hardship and 2) that the application would be consistent with the spirit and intent of this ordinance.

Provisions included as mandatory for a Village Plan Alternative Subdivision by RSA 674:21 shall not be waivable as such would be contrary to state law. Requests for waivers must be written and the planning board must vote on each waiver request at a properly noticed public hearing.

C. **Appeals.** Any person with standing, aggrieved by a planning board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the waivable provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A planning board decision on the issuance of a Conditional Use Permit cannot be appealed to the zoning board of adjustment (RSA 676:5, III).

III. USES AND USE AREAS

A. **General Use Areas.** The VPA consists of two areas: Village Residential Areas and Small-scale Retail Areas.

1. **Village Residential Areas** provide locations for a broad range of housing types, including single-family detached, semi-detached, and attached, and may also include accessory dwelling units.

The scale of retail uses intended for these areas is small, and would include small stores and businesses, libraries, galleries, and other small commercial, institutional and retail uses typically found in small New England towns.

Consideration should also be given to the compatibility of the retail and commercial areas to the residential areas within the development. Banks, daycare facilities, doctor's offices, or small groceries are some of the retail uses that may be compatible with a small village.

2. **Small-Scale Retail Areas** are intended primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity, and may contain other compatible uses, such as civic and institutional uses of community importance, including second-story residential uses.

The small-scale retail area is not intended to be used for industrial uses, large-scale retail or commercial buildings, or storage, unless such use is completely architecturally integrated into the overall development, and in no case shall any industrial uses other than light industrial uses be permitted.

3. **Residential/nonresidential phasing.** In approving a conditional use application for a new village with or without mixed uses according to the standards for conditional uses listed in the zoning ordinance, the planning board shall ensure by approval of a condition, phasing schedule, or other measure, that the nonresidential portions of the development are occupied only in accordance with a schedule that relates occupancy of such nonresidential portions of the village to the completion of a specified percentage or specified number of phases or sections of the residential portions.

B. Uses Permitted in All Areas

1. Single family detached dwellings.
2. Open space land permanently protected through conservation easements.
3. Municipal or public uses, such as public parks and recreation areas, or government or public utility buildings, except for storage or materials, trucking or repair facilities, or private or municipal sanitary landfills.
4. The planning board reserves the right to determine whether any use is expressly allowed or prohibited in this ordinance. All uses shall be governed by any applicable standards in any other applicable state or local law or regulation that would restrict uses based on environmental concerns.
5. Where two provisions conflict, the stricter provision shall apply.

C. **Conditional Uses.** The following uses are classified as conditional uses and shall adhere to the dimensional standards and design standards in the following sections of this ordinance. The purpose of this section is to enable the planning board to ensure that the overall design of the development is compatible with the town's existing land use, future plans for land use, and the needs of the community.

1. Village Residential Area Conditional Uses

- a. Two-family and multi-family dwellings designed according to the standards in this ordinance. The purpose of this phasing section is to provide a mechanism to ensure appropriate residential to nonresidential density proportions.
- b. Architecturally integrated accessory dwellings, home occupations and other uses related to residential uses.

2. Small-Scale Retail Area Conditional Uses

- a. Retail uses, professional offices, and personal or professional services in two-and-one half story buildings of 5,000 square feet or less. Buildings in this type of area may contain other compatible uses, such as civic and institutional uses of community importance, specifically including second-floor residential uses. The maximum building footprint for any single building or group of buildings owned or operated by the same entity shall be 9,000 feet.
- b. Bed and breakfast establishments or inns.
- c. Schools, day care centers, libraries, churches, and other houses of worship.
- d. Two or three family dwellings designed in accordance with the provisions of this ordinance.
- e. Second-story residential units are encouraged to be located above shops and or offices, to the extent that on-site parking or off-site parking that shall be shared with other users, can be provided.
- f. Live/work uses for artisans, professionals, and service providers such as studios or small shops.

IV. DIMENSIONAL STANDARDS AND DENSITY DETERMINATIONS

A. Overall Village Size. Village Plan Alternative subdivisions shall range in size from 5 dwellings to 50 dwellings. The purpose of this restriction is to provide enough dwellings in a development to support the accompanying small-scale retail and to allow the town to better plan for and provide the increase in local services that accompanies the cyclical seasonal population increase that is unique to the Town.

B. Density Determination. The entire density permitted by existing land use regulations must be located in 20 percent or less of the entire parcel available for development. Village Plan average density shall vary depending on soil and slope conditions, suitability of on and off-site locations for septic systems and community water systems, wetlands, and other features of the land. In no case shall the average density be lower than that of a conventional subdivision.

C. Density Bonuses

- 1. A density bonus of one unit for two acres shall be granted where applicants use a community well or community septic system or a DES-approved innovative septic design utilizing a smaller land area to provide for VPA development.
- 2. A density bonus of one unit for two acres shall be granted where applicants provide for full public access to community amenities, such as trails, ball fields, or playgrounds.
- 3. The board may develop other density bonuses based on provision of workforce housing, protection of sensitive environmental or historic resources, or provision of other amenities.

D. Dimensional Standards for Village Residential Area

1. Dimensional Requirements. Conventional lot size regulations, dimensional requirements for frontage and setbacks from all property lines, and lot size regulations, as well as density regulations, shall NOT apply. This ordinance establishes its own minimum and maximum dimensional requirements. In no case can lesser density requirements be imposed for a Village Plan Alternative Subdivision.

2. Minimum lot area. Where septic systems and water supply are located offsite, the minimum lot size shall be 10,000 square feet. Where both septic and water are located on-site, or where septic is located on site, and water is located off site, the minimum lot size will depend on compliance with the provisions found in the DES publication "Subdivision and

Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000, August 1999, ” and subsequent amendments or updates.

a. For the Village Residential Areas, applicants should refer to the following:

1. All lots comply with the New Hampshire Department of Environmental Services requirements for subsurface wastewater management (developments may utilize individual or community wells and/or septic systems); and
2. The goals and design specifications of this section are otherwise achieved.

b. Applicants should consult with the Department of Environmental Services during the design phase of the development to determine appropriate lot sizes and septic/water system design.

3. Minimum street frontage.

- a. Lots must have a minimum of 40 feet of frontage either on a street or accessway or shared driveway. Lots should have a maximum frontage of 100 feet.
- b. Houses served by rear lanes may front directly onto parks or greens, which shall have perimeter sidewalks or pathways.

4. Flag lots.

- a. Flag lots must possess at least 30 feet of frontage on a street.
- b. No more than two contiguous flag lots shall be created.
- c. Flag lots shall not comprise more than five percent of all lots within a village.
- d. The “pole” end of such lots shall not be longer than 200 feet.

Optional: It is up to a community to determine whether it wants to award density bonuses for certain design attributes, such as providing for workforce housing, protection of significant resources, or public access to community amenities. A density bonus for using innovative or community septic systems is suggested because a developer might view using such an approach as more difficult or time-consuming to permit, yet a traditional village-type development likely cannot be done with conventional septic systems. Lot size and shape are important in creating the spatial relationships of a village. Long, narrow lots work well to allow home owners the privacy of backyards, while maintaining the walkability and scale of a village. Form-based codes typically contain minimum as well as maximum standards.

5. Minimum and Maximum Standards. Variations in the principal building position and orientation are allowed, but the following minimum and maximum standards shall be observed:

a. **Front yard.** Principle buildings: 12 feet minimum depth, 6 feet to front porches or steps, and 20 feet maximum. *This should be based on an assessment of current village dimensional averages.*

i. Attached garages (front loaded) must be flush with or set back from the front wall or façade of the principle building. Attached garages (side loaded) must be flush with or set back from the front wall or façade of the building and must be architecturally integrated with the principle building.

ii. Detached garages must be flush with or set back from the front wall or façade of the principle building. Detached garages located behind principle structures are encouraged.

iii. No more than two garage doors facing a street may be located in a row, and such rows of garage doors must be separated from any other garage door facing a street by at least ten feet.

b. **Rear yard.** Principal buildings: 30 feet minimum depth. Rear loaded garages: minimum 20 feet from paved edge of alley or lane, and 9 feet to the alley right-of-way. *This should be based on an assessment of current village dimensional averages.*

c. **Side yard.** Principal buildings: 20-foot separation between principal buildings on adjacent lots. *This should be based on an assessment of current village dimensional averages.*

6. **Building-to-Building minimum and maximum distance.** Houses on opposite sides of the street shall be located between 70 and 100 feet across from each other, and except when buildings face onto greens, commons, or other open space.

a. **Maximum and minimum height.** Buildings shall be of at least one-and-one-half story construction, but no more than two-and-a-half stories. Church steeples or buildings containing historic architectural features such as cupolas may be higher than three stories if the height of the building is consistent with the overall design of the development and the adjacent existing village.

E. Dimensional Standards for Small-Scale Retail Area

1. **General.** Small-scale retail areas may take a variety of forms that include rehabilitation of existing buildings, consistent design additions to same, or mixed-use developments that combine residences and businesses.

2. **Minimum Frontage.** Lots shall have a minimum of 20 feet of frontage on a street to provide access. The minimum lot width at the building line shall be 40 feet.

3. **Setbacks, minimum and maximum.** There is no required minimum front setback. The maximum front setback shall be 10 feet. *This should be based on an assessment of current village dimensional averages.*

Setting standards for buildings results in a neighborhood that avoids the monotonous wall of garages so prevalent in conventional subdivisions, and encourages attention to the design and orientation of buildings. These standards encourage the spatial relationships found in traditional villages, which promote alternative means of transport, such as walking and bicycling.

4. **Building-to-Building Distance.** Commercial buildings on opposite sides of new streets shall be located between 50 and 75 feet across from each other, except where buildings face onto public greens.

5. **Building Height.** Buildings shall be between one-and-a-half and two-and-a-half stories above grade, except for architectural embellishments such as church steeples, cupolas or clock towers, and buildings on corner lots, which may be three and a half stories high.

V. OPEN SPACE REQUIREMENTS

A. For open space and recreational requirements, the entire density permitted by existing land use regulations must be located in 20 percent or less of the entire parcel available for development. Remaining land shall be reserved through a recorded easement solely for one or more of the following: conservation, agriculture, forestry, or public recreation.

B. Land area reserved as protected open space should represent the area of the site that is most valuable in terms of open space features, such as (but not limited to) providing scenic views or having other aesthetic qualities, containing significant wildlife habitat or rare or outstanding landscape features, containing high-productivity agricultural soils or forest soils, or providing high-quality community recreation opportunities (e.g., includes a portion of an existing trail network).

C. All developments shall install at least one outdoor playground or other youth recreation facility, such as a baseball diamond or playing field, in an area that is designed to be pedestrian accessible as well as buffered from vehicular traffic by fencing and suitably landscaped. Such facilities must be shown in the plan set and include plans for grading, drainage, and maintenance.

D. Snowmobiling or ATV use is generally discouraged but if allowed will be permitted only on designated separate trails with appropriate signage, mitigation efforts to control erosion, designated hours of use, noise control measures, and measures to ensure safety of pedestrians.

E. The deed and related documents for the property must clearly state the conveyance of a conservation easement for the open space land to the town, land trust, or other appropriate entity reserving the conserved open space land area solely for agriculture, forestry, and conservation, or for public recreation. Covenants that run with the land as well as appropriate documents and bylaws that explain the maintenance and use of the open space shall be established if the open space lands are to be retained in ownership by a homeowner's association or private individual.

F. The open space must be accessible by walking trails. If public access is provided to these trails, a dedicated parking area shall be provided near an access point.

G. Each development must contain a community building that can reasonably accommodate at least 20 people at any one time.

The first provision listed below is required by statute. Subsequent provisions are suggestions for types and uses of required open space.

VI. SEPTIC SYSTEMS

A. Where public sewer is unavailable, applicants may choose to use conventional, individual septic systems, a community septic system, a community leach field, an innovative septic system or any combination thereof, subject to DES approval.

B. Applicants will consult with the town's engineer in proposing the plan for the septic system of the development. Where developments are adjacent to village centers or other areas in which eventual sewer construction is foreseen, applicants must install capped sewer connections and related infrastructure so that the development can be connected to the Bay Sewer or community system in future years.

C. Applicants must specify measures for the management of community systems as well as the schedule and methods for regular maintenance of such systems. Applicants must provide appropriate deed language for access easements for maintenance of these systems. Town Counsel will review all submitted documents for management, ownership and access.

VII. DESIGN STANDARDS FOR ALL AREAS (This section can be considered by the Town as a stand-alone without the foregoing)

A. Overall Form and Spatial Relationships

1. **Overall Form.** Areas of new construction shall be sited so as to best preserve natural vistas and existing topography.

a. In all areas, peripheral greenbelt open space shall be designed to follow the natural features whenever possible and to maintain an agricultural, woodland, or countryside character.

b. The village shall be distinguished from the peripheral, greenbelt open space by a well-defined line or edge so that developed areas will transition very quickly to rural, undeveloped lands.

2. Village Expansion Layout

a. **Overall Layout.** Expansion of the village shall be designed in a pattern of interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways, and sidewalks. The layout should be suited to the existing topography and other natural features of the area to minimize cut-and-fill and grading throughout the site.

b. **Pedestrian Connections.** No less than one eight-foot pedestrian alley or way must be provided for every 250 feet of street frontage in the Small Scale Retail Area, connecting with rear parking lots.

c. **Building Orientation.** Houses shall be oriented to maximize passive solar energy, natural shade and windbreaks, and to orient rooms such as kitchens and bedrooms based on light and heat requirements at different times of the day. The use of energy-efficient appliances and materials is encouraged.

The Design Standards section can be used as a stand-alone section by towns that do not adopt the VPA, to improve the overall appearance of a village area. These standards are typical of village design for small towns.

B. Street and Sidewalk Network

1. **Sidewalks.** Sidewalks are required along all road frontages of new development. The width of the sidewalk shall be consistent with the prevailing pattern in the immediate neighborhood, provided that no new sidewalk shall be less than four feet wide.
2. **Curbs.** Where curbing is used, it shall be granite curbing for durability.
3. **Overall Street Layout.** Each development shall have at least two points of entry and egress, and shall be connected to other existing streets to provide for the future extension of the community's street network. Main roads should not cut through the center of the development, but instead should provide access to secondary roads that begin at the periphery of the street layout.
4. **Cul-de-sacs.** Cul-de-sacs are prohibited, unless conducive to a harmonious village pattern due to topographic constraints.
5. **Traffic calming.** In order to calm traffic speeds and to provide for pedestrian safety, the use of "T" intersections, small roundabouts, streetscapes, gateway treatments, medians, narrower travelways, and four-ways stops shall be used.

C. Pedestrian and Bicycle Access

1. **Connections between uses.** Pedestrian and bicycle connections between mixed-use development and residential areas are required.
2. **Bicycle parking.** Small-scale retail areas shall provide areas for parking and locking of bicycles.

D. Streetscape

1. **Trees.** Any new development must be accompanied by a landscape plan that will address the location, suitability, and species of trees, shrubs, or other plantings within the development. In new developments, appropriate street trees shall be planted every 35 linear feet of street right of way.
2. **Benches and other street furniture.** New developments shall provide benches with seats and backs every 500 feet of street right-of-way in the Small-Scale Retail Area.
3. **Buffer zones.** A vegetated buffer of at least 100 feet shall be provided between Residential Areas and adjacent higher intensity commercial areas.
4. **Public Space.** Each Small-Scale Retail Area shall contain one or more public spaces such as a green, pocket park, gazebo, or picnic area. These spaces should be designed to encourage community interaction.
5. **Lighting.** Lighting shall be provided in all public spaces within the Small-Scale Retail Area, and at appropriate intervals along the street. Where appropriate, lighting shall be provided in Village Residential Areas as well.

All light fixtures shall meet the specifications for full cut-off or cut-off fixtures as defined by the Illumination Engineering Society of North America and as required in the MZO.

E. Architectural Design Standards

1. **General.** The following architectural design standards shall apply to all new structures, rehabilitation of, or expansions to existing structures.
2. **Buildings: Scale and Style.** Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the unique local context of a traditional New Hampshire village. Buildings shall reflect a continuity

of treatment obtained by maintaining the building scale or by subtle graduation changes, by maintaining small front setbacks, by continuous use of front porches on residential buildings, by maintaining cornice lines in buildings of the same height, and by extending horizontal lines of fenestration.

3. Corner Lots. Buildings on corner lots shall be considered significant structures, given that they have at least two front facades visibly exposed to the street. Buildings on corner lots may be three stories high.

4. Walls and Planes. Retail and commercial buildings shall avoid long, monotonous uninterrupted walls or roof planes. Offsets including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Similarly, roof-line offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. Flat roofs should be avoided in favor of pitched roofs.

5. Facades Facing Public Streets. Buildings with more than one façade facing a public street or internal open space shall be required to provide multiple front façade treatments. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Bland wall or service area treatment of side and or rear elevations visible from the public viewshed is discouraged.

6. Roofs. Gable roofs with a minimum pitch of 9/12 should be used to the greatest extent possible. Where hipped roofs are used, it is recommended that the minimum pitch be 6/12. Both gable and hipped roofs should provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Flat roofs should be avoided on one-story buildings, but may be used on buildings with a minimum of two stories, provided that all visibly exposed walls shall have an articulated cornice that projects horizontally from the vertical building wall plane.

7. Windows/Fenestration. Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building, and appropriate to a rural New Hampshire setting. Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. Blank, windowless walls are not permitted in either the Small-Scale Retail area or the Residential area.

Requiring good design helps to ensure that when businesses come and go, subsequent owners and tenants of the buildings will be able to quickly occupy and convert the building to use by a new business, thus protecting the vitality and continuity of a town's local business districts.

Storefronts are an integral part of the building and shall be integrally designed with the upper floors to be compatible with the overall façade character. Ground floor retail, service, and restaurant uses should have large pane display windows, framed by the surrounding wall, and shall not exceed 75 percent of the total ground level façade area.

8. Entrances. Main entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and others, where appropriate. Any such element utilized shall be consistent with the style, materials, colors, and details of the building as a whole, as shall the doors. Awnings are permitted where they complement the building's architectural style.

9. Light fixtures. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building and shall comply with local building codes. The use of low-pressure sodium, tube-fluorescent, or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited and to meet the requirements of the Moultonborough Zoning Ordinance.

10. Lighting. Streetlights shall be decorative and shall blend with the architectural and historic style of the existing village motif. Along all commercial or mixed-use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces, decorative light posts shall be provided at regular intervals. Lighting on residential streets should be confined to intersections, pocket parks, and corners. Small-scale retail areas shall utilize reduced lighting after

business hours to conserve energy and to encourage dark, starry skies characteristic of rural areas. Lighting shall be properly shielded to reduce glare for the safety of motorists.

11. **Air conditioners and other fixtures.** All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping.

12. **Fencing.** In no case will chain-link fencing be permitted. Fencing must be iron rod or wood, and no higher than three feet unless used as screening for trash collection areas.

13. **Fire escapes.** Fire escapes shall not be permitted on a building's front façade.

F. Signs in Small-Scale Retail Areas

1. **General.** All signs must be consistent with the overall design of the development, and complement the existing village motif, and should be constructed of wood, granite, painted cast metal, bronze, brass, or other material consistent with the materials used in the building's façade or fixtures. Plastic panel rear-lighted signs are not permitted. Billboards are not permitted. Signs employing mercury vapor, low pressure and high-pressure sodium, neon, and metal halide lighting are not permitted.

2. **Design.** Unique and interesting designs are encouraged in the lettering and graphics of each sign. Signs may be attached to the building and project outward from the wall so long as the sign does not project outward from the wall to which it is attached more than 12 inches. Projecting signs must be no larger than four square feet. Projecting signs must be at least ten feet above the ground. Signs attached to the front façade shall not exceed the dimensions of the façade.

3. **Height.** The maximum permitted height of signs is 15 feet above the front sidewalk or ground elevation, and shall not extend above the base of the second floor windowsill, parapet, eave, or building façade.

4. **Freestanding signs** shall only be permitted where the business is not attached to any other buildings. All freestanding signs must be no higher than six feet and no wider than six feet, while still meeting the maximum square foot area requirements of Article 5 of the MZO.

5. **Street address numbers** shall be clearly marked in any new development and included in the design of the front façade or signage of individual buildings.

6. **Signs in residential areas.** No signs shall be permitted in the residential area, except one sign no larger than two square feet related to a home occupation.

G. Landscaping

1. All developments must contain a landscaping plan that lists the location, species, and suitability of plant species to the site.

2. Trees shall be planted at regular intervals no greater than 35 feet to enhance public spaces, open spaces, and streetscapes. A variety of native and non-invasive species shall be used.

3. Low-impact stormwater management designs that treat and recharge runoff on-site are encouraged.

H. Parking

1. Parking for small-scale retail areas must be on-street or in the rear of buildings. No more than five spaces may be located in front of the building.

2. Rear parking areas shall be landscaped with an area of low shrubs or suitable foliage at least ten feet wide between every two rows of spaces. This area shall include a pedestrian walkway at least four feet wide for pedestrian safety. Crosswalks and walkways at regular intervals shall connect this strip to building entrances. Applicants are encouraged to

utilize permeable pavement and other low-impact techniques suitable for cold climates for on-site water recharge in parking lot design. See the chapter on Stormwater Management requirements in the MZO for a more comprehensive set of requirements.

The location and layout of parking areas is a key spatial aspect in the expansion of the village. Pedestrian safety, storm water management, access management, and aesthetics are primary elements.

3. Landscaped islands must contain curb breaks and utilize ecological engineering methods to allow maximum on-site water recharge and to minimize sheet flow.

VIII. REVIEW PROCESS

Worksheet. The Planning Board shall establish a worksheet, outline, or checklist of the pre-application and application procedure to assist applicants with the relevant town ordinances and regulations in the review process and to discuss potential issues concerning the design or feasibility of the site plan, based on town ordinances and regulations.

MODEL INFILL DEVELOPMENT ORDINANCE

I. PURPOSE AND INTENT

The purpose of this district is to provide for the village with efficient land use and cost-effective delivery of appropriate or needed services. The provisions of this district recognize the design challenges inherent to developing infill properties, and ensure that new development is consistent in character and scale with existing development. The intent of this district is to:

- A. Accommodate growth in Moultonborough Village by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of the Town's residents.
- B. Encourage efficient use of land and public services in the context of the existing village.
- C. Stimulate economic investment and development in the established village area.
- D. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen the existing village.
- E. Create a high quality village environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.
- F. Implement the goals, objectives, and policies of the master plan, and the Village Vision Report.
- G. Provide clear standards for infill development.
- H. Encourage compact development that is pedestrian-scaled and people-oriented.

II. APPLICABILITY

The Infill Development Overlay applies to the areas shown on the zoning map. The requirements of the overlay zone are in addition to the requirements of the underlying zone. Where the requirements of the Infill Development Overlay conflict with the underlying zone, the requirements of the Infill Development Overlay shall apply.

MODEL NEIGHBORHOOD HERITAGE DISTRICT ORDINANCE

I. Purpose

A neighborhood heritage district is established under the provisions of RSA 674:21, "Innovative Land Use Controls," to preserve, conserve and protect the health, safety, economic, cultural and general welfare of the public. Specifically, the purposes of a neighborhood heritage district are:[choose from some or all of the following, based on applicability]

- a. To protect the distinctive characteristics of the district's character, setting, buildings, structures, landscape features and public spaces in a manner that is supported by the Master Plan;
- b. To discourage demolition of buildings and structures or removal of landscape features;
- c. To guide change, reuse and reinvestment in the district;
- d. To enhance the livability, vitality, stability and local identity of the district for its residents and businesses and all residents of the [town/city];
- e. To retain traditional development patterns;
- f. To retain a pedestrian-friendly, accessible environment;
- g. To encourage design that is either traditional or contemporary, but is sensitive and compatible with the established character of the district;
- h. To retain the diversity of uses that have traditionally existed in the district;
- i. To develop guidelines that articulate the character and setting of the district and its buildings, structures, and landscape features and that clarify the community's expectation for the type and quality of change and new development within the district;
- j. To further "green" principles, by discouraging demolition and thus reusing existing building stock and materials
- k. To adhere to smart growth precepts by encouraging investment within already developed areas and focusing on infill, rather than sprawl
- l. To serve as a buffer to a local historic district [or other zoning districts].

II. Definitions [Definitions should reference the basic zoning ordinance, adding any terms that are not included there. This could be a separate amendment to the zoning ordinance to add necessary definitions.]

III. Establishment of Neighborhood Heritage District [NB: If it is your intent, the ordinance should specifically include the review of municipal buildings, as otherwise they are automatically excluded.]

- a. To achieve these purposes, the town/city may designate one or more neighborhood heritage districts. A neighborhood heritage district shall be established within the zoning ordinance, in accordance with the applicable provisions of RSA 674.1
- b. The boundaries of the neighborhood heritage district are shown on the [name of municipality] zoning map.
- c. The designation of a neighborhood heritage district is intended to accommodate unique land use, design, and other distinctive characteristics of a neighborhood and encourage flexible, but consistent design review for new construction, additions, alterations or demolition.
- d. The neighborhood heritage district shall be administered by the Planning Board with the advice of a Neighborhood Advisory Committee to be created as provided in section IV.

IV. Neighborhood Advisory Committee

- a. Upon adoption of a neighborhood heritage district as a section of the zoning ordinance, the Planning Board shall appoint a Neighborhood Advisory Committee. The committee shall consist of not fewer than three and no more than seven members who may include: one or more residents and/or landowners in the district; a person familiar with the history and character of the neighborhood; an architect; a business proprietor; a member of the Historic District Commission or Heritage Commission; and a member of the Planning Board. The Planning Board may appoint up to three alternate members to the advisory committee.
- b. In the event there is more than one neighborhood heritage district in the town/city, the advisory committee shall include a member from each district.
- c. The Neighborhood Advisory Committee shall:
 - 1). Prepare a draft neighborhood plan for submission to and approval by the Planning Board;
 - 2). Establish rules of procedure, in accordance with RSA 676:1. In addition to procedures for review of applications referred by the Planning Board, the committee may provide for informal preliminary non-binding discussion and review of activities subject to regulation under this ordinance;
 - 3). Adopt design guidelines for construction activities within the neighborhood heritage district;
 - 4). Advise the Planning Board on creating an application form for activities subject to review;
 - 5). Submit written recommendations to the Planning Board to guide its decision on applications received;
 - 6). Where applicable, the advisory committee may make recommendations to the zoning board of adjustment regarding applications for variance or special exception for properties within the neighborhood heritage district.

V. Activities Subject to Review [choose from some or all of the following, based on applicability:]

- a. Demolition, partial demolition, or removal of a building or structure
- b. Any new exterior construction. (Construction of a new accessory structure, such as a clothesline, tree house, playhouse, flagpole, play equipment, providing the structure does not exceed 100 square feet in area, is exempt from review.)
- c. Any addition visible from the street to an existing building or structure. (If the addition is not visible from the street and is less than 100 square feet or constitutes less than XX% of the existing buildings on the lot, whichever is less, it is exempt from review.)
- d. Removal of a porch, portico, door hood or bay window visible from the street
- e. Altering the size of window or door openings visible from the street
- f. Removal of landscape features that define the streetscape, including but not limited to mature trees, granite retaining walls & posts, fences
- g. Site work that increases the amount of paved surface, such as increasing a parking area
- h. New or replacement signs

VI. Standards for review [choose from some or all of the following, based on applicability:]

The application for proposed work shall demonstrate that the project as proposed is consistent with the neighborhood plan and the following standards. The Planning Board may require that the proposed work application be reviewed by a licensed architect or historic preservation consultant at the cost of the applicant.

- a. New construction shall be compatible with the distinct characteristics that define the area.

- b. Setback, height, scale, mass, fenestration and spacing of new construction shall be compatible with adjacent traditional buildings and the context of the district. Buildings shall be spaced in a manner that is consistent with the traditional development patterns of the street.
- c. Architectural features in new construction or additions should be used to enhance visual interest and provide a pedestrian scale. Details that reference, but do not necessarily mimic, traditional buildings are encouraged.
- d. New construction or additions shall have rooflines that are similar to those traditionally seen in the district, in terms of type, shape, pitch and orientation.
- e. Building materials for new construction shall contribute to the visual continuity of the district.
- f. Building materials for major additions shall be consistent with, or similar to, those already on the building or structure.
- g. New construction shall preserve character-defining landscape features of the district.
- h. Parking shall be set back from the primary front wall of the building. Garages shall be set back from the front plane of the building; if that is not possible, they shall be rotated so that the vehicular doors do not face the street. Driveways that are double wide are discouraged. Shared parking is encouraged.
- i. Demolition, partial demolition, or removal of buildings and structures, as well as removal of landscape features will be considered only under the following circumstances:
 - 1). Replacement structures or other use of the site must meet the intent of the design guidelines and shall not have a negative impact on the character or cohesiveness of the district; or
 - 2). The applicant for a demolition permit shall demonstrate that reasonably feasible alternatives to demolition have been considered. Alternatives shall include renovation or adaptive reuse of an existing building; or
 - 3). The applicant can demonstrate that retaining the resource would constitute economic hardship due to unavoidable quantifiable and verifiable expenditures or a fiscal loss that would ensue should the resource not be demolished; or
 - 4). The building, or structure has been determined structurally unsound, based upon a written technical report prepared by an architect or professional engineer registered in the State of New Hampshire that clearly demonstrates that the building or structure presents a risk to public health, safety and welfare; and the structurally unsound condition has not been caused by willful or negligent acts by the owner or failure to perform normal maintenance and repairs; or
 - 5). In the case of a mature street or front yard tree, it has been determined by a professional arborist or other qualified professional that its removal is necessary for safety reasons.

VII. Procedure.

- a. The Planning Board, with the written advice of the advisory committee, shall establish an application form in accordance with its procedure for site review applications. The procedure shall provide for notice to abutters as required by RSA 672:3.
- b. Upon receipt of an application for a regulated activity in the neighborhood heritage district, the Planning Board shall determine whether the application is complete for review in accordance with the provisions of RSA 676:4.
- c. The completed application shall immediately be referred to the Neighborhood Advisory Committee. The Committee must hold one or more duly noticed public hearings and shall, within 30 days of receipt of the application, submit its recommendation to the Planning Board. The Committee may recommend approval with written reasons, denial with written reasons, or approval with conditions.

d. The Planning Board, upon receipt of the recommendation of the Neighborhood Advisory Committee, shall hold at least one public hearing. The Planning Board in its deliberations shall consider the recommendations of the advisory committee. The Planning Board shall approve the application, approve with conditions, or deny with written reasons. If the Planning Board's decision is contrary to the recommendations of the advisory committee, the board shall state specifically the basis for its decision.

VIII. Appeal.

Appeal of a decision of the Planning Board shall be in accordance with RSA 677:15.

IX. Enforcement.

Decisions of the Planning Board shall be enforced in accordance with the provisions of the zoning ordinance.

Endnotes

1. An amendment to the zoning ordinance designating a particular neighborhood as an neighborhood heritage district may be initiated by the Planning Board or by petition. See RSA 675. Uses within the district may be governed by the ordinance, or the district may be created as an overlay district with uses controlled by the underlying zoning district.
2. In order to avoid duplicate hearings and facilitate efficient decision-making, the Planning Board and advisory committee may provide for joint public hearings. The Neighborhood Advisory Committee should submit its recommendation to the Planning Board before the Planning Board renders its decision. The statutes encourage this procedure. See RSA 676:2.